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INDIGENOUS ISSUES

Written statement submitted by the Women's International Democratic Federation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 February 1998]

Amendments to the draft declaration on the rights of indigenous peoples (V*)

Chapter V

Civil and political rights

[It will be noted that articles 31 and 34, as amended, have been moved and regrouped under Chapter I, General principles, as articles 3 and 4.]

Article 35 (Amended version of article 5)

Every indigenous person has the right to **acquire his own nationality immediately after birth in accordance with the national legislation of the State concerned. No one shall be arbitrarily deprived of his nationality on grounds of race, religion or social origins.**

Article 36 (Amended version of article 32)

Indigenous peoples have a collective right to citizenship in accordance with their **institutions** and customs, **by virtue of which they shall be able effectively to exercise the political right to elect or be elected to State office - executive, legislative, judicial or administrative.** Indigenous nationality does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

Article 37 (Amended version of article 4)

Indigenous peoples have a **collective** right to maintain and strengthen **the means of social production in which their political** and legal systems and their social and cultural characteristics **are rooted**, while **boosting their involvement** in the political, economic, social and cultural life of the **nation** State.

Article 38 (Reformulated version of article 33)

Indigenous peoples shall **enjoy a collective right** to promote, develop and **determine** the structure of their institutions and judicial procedures in accordance with **universally** recognized human rights standards.

States shall take steps to guarantee the effective exercise of political, economic and cultural rights so that:

(a) specific characteristics and customs and conventional standards are duly reflected in the legal system and political institutions of the State;

(b) ancestral life styles and communal working practices are taken into consideration in the design of sustainable development programmes.

Article 39 (Reformulated version of article 35)

Indigenous peoples established in different parts of the world and divided by frontiers created by colonialism are fully entitled to maintain and develop bonds of friendship and cooperative relations with all peoples in the economic and political fields and in cultural activities with a view to strengthening the communal spirit of fraternity, solidarity and mutual understanding.

States undertake to guarantee the exercise and application of that right within the framework of international cooperation.

Article 40 (Amended version of article 36)

Indigenous peoples have a legitimate right to the recognition, observance and enforcement of treaties, agreements and constructive arrangements concluded with States and their successors in accordance with their original spirit and intent.

States shall be under an obligation, in strict compliance with the undertakings they have entered into, to honour and respect such treaties, agreements and arrangements. Disputes to which no settlement can be found by peaceful means shall be submitted by the parties in dispute to the competent international bodies, including the International Court of Justice.

Note

* The beginning of this statement appears in documents NGO/31 to 34.